

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

UNITED STATES OF AMERICA

VS.

FRANK KELLEY

§
§
§
§
§
§

CRIMINAL ACTION NO. 5:02-CR-20 (2)

USM No. 10155-078

Defendant's Attorney: Pro Se

Date of Previous Judgment: November 17, 2003
(Use Date of Last Amended Judgment, if Applicable)

ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. §3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the Court under 18 U.S.C. §3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. §994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED**

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to any Departures)

Previous Offense Level: _____

Amended Offense Level: _____

Criminal History Category: _____

Criminal History Category: _____

Previous Guideline Range: _____ months

Amended Guideline Range: _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other. (**explain**):

III. ADDITIONAL COMMENTS

Career offender

IT IS SO ORDERED.

SIGNED this 23rd day of June, 2009.



DAVID FOLSOM

UNITED STATES DISTRICT JUDGE